

// A special meeting of the Council of the City of Lynchburg, recessed from June 13, was held on the 27<sup>th</sup> day of June, 2006, at 1:00 P.M., Council Chamber, City Hall, Joan F. Foster, Vice President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Seiffert

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Absent: Johnson

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// Prior to beginning the work session, Council Member Dodson explained that at the last City Council meeting he was very curt with Mr. David May who spoke during the public hearing regarding the request from Lynchburg College for a conditional use permit. Council Member Dodson publicly apologized to Mr. May for his behavior and stated that he plans to visit Mr. May and observe first hand the problems that Mr. May is experiencing with Lynchburg College students.

// City Manager Kimball Payne then asked Emergency Management Coordinator Les Puckett to provide City Council with a briefing regarding the potential flooding of the James River in the City's lower basin.

// Council Member Johnson arrived at 2:02 p.m. during Agenda Item #1.

// In the matter of Community Planning - Zoning, a work session was held regarding the petition of JBO, LLC for a conditional use permit at 1207 and 1226 Greenview Drive to allow the construction of a Traditional Neighborhood Development (TND) on a tract of approximately one hundred twenty three (123) acres in an R-1, Single-Family Residential District and R-C, Conservation District. City Planner Tom Martin stated that City staff met with the developers to discuss the concerns expressed by the citizens at the June 13 public hearing and following the meeting the developers agreed to the following six additional conditions to address some of the concerns:

- 8. Landscaping shall be provided within the twenty-five foot (25') buffer area along the northeastern property line. Landscaping shall consist of one (1), one and five tenths inch (1.5") caliper tree for every ten (10) feet of property line. Landscaping shall consist of a mixture of evergreen and deciduous trees and may be placed in collective groupings as approved by the City Planner.
- 9. Buildings within the "core" area and denoted by Blocks "A, B, C, D & E" on the master plan shall be limited to a total of five (5) stories as defined by the International Building Code (IBC). Of the buildings located within the core area, no more than fifty percent (50%) may be five (5) stories.
- 10. No building within four hundred feet (400') of the Windsor Hills neighborhood may be five (5) stories.
- 11. The proposed roads connecting to Greenview Drive shall be limited to three (3) full intersections and three (3) right in and right out intersections.
- 12. At least fifty percent (50%) of the units located within Blocks "H & I" shall be condominium units for sale.
- 13. The Cornerstone Design Review Committee shall consist of three (3) City representatives selected by the Director of Community Development and three (3) representatives selected by the master developer. The land planners for Cornerstone shall serve in an advisory capacity to the

Committee. If the Committee can not reach consensus on interpretation of the Cornerstone TND Guidelines, the matter shall be referred to the City's Design Review Board for final interpretation.

Following discussion, City Council asked that condition 10 be revised to read..."No building within four hundred feet (400') of the Windsor Hills neighborhood may be in excess of four (4) stories. Council also asked that condition 7 be revised to reflect that the "...right of way will be reserved for future vehicle access when determined appropriate by the City Council." Mr. Martin then provided an overview regarding questions and issues raised at the June 13 public hearing including the ones addressed with the additional conditions agreed to by the developer. Mr. Martin went on to say that the development is in compliance with the Comprehensive Plan and the Future Land Use Map, which recommends a Traditional Neighborhood Development for the property. City Council focused its discussion on three main areas, i.e., density, building height and traffic. With regard to density, Mr. Martin stated that the developer is proposing a density of 10.8 units per acre even though the Comprehensive Plan allows for a density of up to 12 units per acre and the City's Zoning Ordinance allows for a density of up to 25 units per acre. With regard to traffic, Mr. Martin stated that since the development would increase the amount of vehicles on Greenview Drive, a traffic study was done and that the study recommends certain improvements to Greenview Drive. Mr. Martin went on to say that the study indicates that the improvements to Greenview Drive are needed regardless of the development. Traffic Engineer Gerry Harter stated that the Greenview Drive/Leesville Road intersection is currently causing traffic problems and that the intersection needs to be expanded. In response to questioning, Mr. Payne stated that Greenview Drive improvements are not currently in the Six Year Capital Improvements Plan (CIP). Some Council Members stated that the road improvements needed to coincide with the development and that Council should consider including the project in the CIP. Following discussion, City Council directed staff to move forward with looking at the needed improvements to the Greenview Drive/Leesville Road intersection. With regard to building height, Mr. Martin explained that conditions 9 and 10 address some of the concerns regarding building height by limiting the buildings within the "core" area and denoted by Blocks "A, B, C, D & E" on the master plan to a total of five stories and that of the buildings located within the core area, no more than fifty percent may be five stories. Mr. Martin also explained that no building within four hundred feet (400') of the Windsor Hills neighborhood shall be in excess of four stories. Some Council Members were still concerned regarding the height of the buildings. City Manager Kimball Payne explained that City staff have been discussing an amendment to the City's Zoning Ordinance that would reduce the number of parking spaces needed for a TND and if such an amendment is approved by City Council, then a reduction in parking spaces may allow the developer to reduce the square footage of the 5<sup>th</sup> floors of buildings in the core area by an amount equal to the area recovered by a reduction in the parking spaces. In response to Mr. Payne's request, City Council authorized staff to pursue such an amendment. In response to Council questioning, the developer stated that they were willing to add another condition whereby they would agree to reduce the

square footage of the 5<sup>th</sup> floors of buildings in the core area by an amount equal to the area recovered by a reduction in the parking spaces but would like a few minutes to draft the wording of the condition. City Council agreed to give the developers time to draft another condition, and then proceeded with the next item on the agenda.

// Following Roll Call, the developers returned to the Council Chamber and presented the following condition to address the concern regarding the height of some of the buildings..."14. The developer agrees to reduce the square footage of the 5<sup>th</sup> floors of buildings in the core area by an amount equal to the area recovered by a reduction in the parking spaces required by the City's Zoning Ordinance." Following discussion, the condition was accepted with the following change, "...in the core area, if requested by the City..." Council Member Helgeson stated that he could not support the development until the traffic concerns have been addressed. Council Member Johnson made a motion to approve the conditional use permit with the following conditions:

1. The property shall be developed in substantial compliance with the submitted master plan entitled "Cornerstone" Traditional Neighborhood Development dated April 24, 2006 and prepared by Sympoetica, Community Planners & Designers and Hurt & Proffitt, Inc., Engineers.
2. The property shall be developed in compliance with the Design, Landscaping & Screening and Architectural Guidelines for the Cornerstone TND dated April 12, 2006 and prepared by Sympoetica, Community Planners & Designers.
3. The following uses shall require the approval of a conditional use permit by the City Council before being allowed within the Cornerstone Development:
  - a. Veterinarian Hospitals with or without outdoor kennels
  - b. Care Centers, excluding day care centers
  - c. Churches or other places of worship
  - d. Group Homes
  - e. Nursing Homes or Assisted Living Facilities
  - f. Community Swimming Pools
  - g. Commercial Recreation Establishments
  - h. Public or Community Recreational Facilities
4. Stormwater Management facilities will be integrated into the overall design of the development and design is subject to the approval of the City's Environmental Planner and the Cornerstone Design Review Board.
5. Water quality will be addressed thru a combination of Best Management Practices (BMP's) and low impact development standards. Design of water quality measures is subject to approval of the City's Environmental Planner and the Cornerstone Design Review Board.
6. All amenities in the area designated as park on the submitted master plan shall be the responsibility of the developer. All park areas shall be connected to the overall development by a series of trails and or sidewalks. All improvements are subject to approval by the Director of Parks and Recreation.

7. Bicycle and pedestrian connections to Hunterdale Drive and the unnamed stub street located at the northeastern portion of the property shall be made. Right of Way will be reserved for future vehicle access when determined appropriate by the City Council.
8. Landscaping shall be provided within the twenty-five foot (25') buffer area along the northeastern property line. Landscaping shall consist of one (1), one and five tenths inch (1.5") caliper tree for every ten (10) feet of property line. Landscaping shall consist of a mixture of evergreen and deciduous trees and may be placed in collective groupings as approved by the City Planner.
9. Buildings within the "core" area and denoted by Blocks "A, B, C, D & E" on the master plan shall be limited to a total of five (5) stories as defined by the International Building Code (IBC). Of the buildings located within the core area, no more than fifty percent (50%) may be five (5) stories.
10. No building within four hundred feet (400') of the Windsor Hills neighborhood may be in excess of four (4) stories.
11. The proposed roads connecting to Greenview Drive shall be limited to three (3) full intersections and three (3) right in and right out intersections.
12. At least fifty percent (50%) of the units located within Blocks "H & I" shall be condominium units for sale.
13. The Cornerstone Design Review Committee shall consist of three (3) City representatives selected by the Director of Community Development and three (3) representatives selected by the master developer. The land planners for Cornerstone shall serve in an advisory capacity to the Committee. If the Committee can not reach consensus on interpretation of the Cornerstone TND Guidelines, the matter shall be referred to the City's Design Review Board for final interpretation.
14. The developer agrees to reduce the square footage of the 5<sup>th</sup> floors of buildings in the core area, if requested by the City, by an amount equal to the area recovered by a reduction in the parking spaces required by the City's Zoning Ordinance.

The motion was seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-06-075, with the above conditions, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert

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Noes: Helgeson

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// Information Technology Director Mike Goetz along with City Attorney Walter Erwin provided an update regarding recent changes in state and federal laws regulating the cable television industry and its impact on the City's franchising ability with the local provider of cable television.

// City Council discussed dates for holding its annual Retreat and agreed to reserve the dates of August 9, 10 and September 11 for the retreat. City Council asked staff to notify them as soon as possible once the final dates are selected.

// During roll call, and in response to Council Member Helgeson’s inquiry, City Manager Kimball Payne stated that the City’s right of way along the Route 460 Bypass would be mowed in anticipation of the large number of individuals attending the opening of the new facilities of the Thomas Road Baptist Church on Candler’s Mountain Road. City Manager Kimball Payne presented two items for Council consideration. The first item was a resolution expressing City Council’s support for the Big South Conference and for the efforts of Liberty University to secure the bid to be the host of the 2007-2008 Big South Women’s Basketball Championship. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-06-076, as presented, expressing City Council’s support for the Big South Conference and for the efforts of Liberty University to secure the bid to be the host of the 2007-2008 Big South Women’s Basketball Championship:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// City Manager Payne then presented a resolution authorizing the filing of a grant application to obtain a Homeland Security Grant of \$38,795, with no matching City funds. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-06-077, as presented, authorizing the filing of a grant application to obtain a Homeland Security Grant of \$38,795, with no matching City funds:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and to conduct the performance evaluations for the City Manager, City Attorney, and Clerk of Council pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Gillette, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0

// In the matter of Appointments, and on nomination of Council Member Gillette, Council by the following recorded vote re-appointed Julia P. Doyle and Leslie J. Faircloth to serve on the School Board for terms to expire June 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Rev. Keith Anderson to serve on the School Board for a term to expire June 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0

On nomination of Council Member Gillette, Council by the following recorded vote re-appointed Massie G. Ware, Jr. to serve on the Industrial Development Authority Board for a term to expire June 30, 2010:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Mark Varah to serve on the Industrial Development Authority Board for a term to expire June 30, 2010:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0

On nomination of Council Member Gillette, Council by the following recorded vote appointed H. Michael Lucado, Jr., to fill an unexpired term on the Industrial Development Authority Board ending June 30, 2009:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert	6
Noes:	0

// The meeting was adjourned at 4:59 p.m.

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Clerk of Council